

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ABBIE MARIE JOHNSON,

Plaintiff,

V.

**ANDALUSIA POLICE
DEPARTMENT, et al.,**

Defendants.

Case No. 2:08-cv-157

MOTION TO DISMISS

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, defendants the City of Andalusia (incorrectly identified as the “Andalusia Police Department”), Capt. Rusty Patterson, Officer Steven McGowin, and Officer Darren Raines move to dismiss all claims against them for failure to state a claim upon which relief can be granted. Capt. Patterson, Officer McGowin, and Officer Raines assert the defense of qualified immunity against all claims.

s/ James H. Pike

James H. Pike (PIK003)

Attorney for Defendants

The City of Florala, Alabama, Capt. Rusty Patterson, Officer Steven McGowin, and Officer Darren Raines

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CERTIFICATE OF SERVICE

I, James H. Pike, certify that on May 2, 2008, I electronically served this document upon:

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s/ James H. Pike

James H. Pike